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FOR THE ATTORNEY GENERAL FROM THE AMBASSADOR

E.O. 12958: DECL: 06/22/2016
TAGS: [PREL](#) [PGOV](#) [CJAN](#) [KDEM](#) [EG](#)
SUBJECT: SCENESETTER FOR ATTORNEY GENERAL GONZALES

Classified by Ambassador Francis Ricciardone for reasons 1.4
(b) and (d).

Attorney General Gonzales,

11. (C) The U.S. Mission in Egypt welcomes you and your delegation to Cairo. Your visit will advance the President's freedom agenda with Egypt by stepping up our engagement on the rule of law. In this context, we ask your help on four specific issues - the return of Egyptians detained by the USG, establishing even stronger cooperation on law enforcement and human rights practices, child abduction, and pulling Hezbollah's terror-inciting "Al Manar" television channel from Egypt's NileSat. You can also encourage the process of legal and constitutional reform. Specifically, we are eager to help President Mubarak fulfill his pledge to amend the constitution and replace Egypt's state of emergency with a proper anti-terror law. The GOE's drafters consider the Patriot Act a model; your counsel on this subject will be welcome. A message of thanks to the Egyptians for their current strong cooperation with us on law enforcement and counterterrorism issues will also be well received. We are also working together to strengthen Egypt's judicial system; our USAID mission has a major technical assistance program designed to improve the transparency and efficiency of Egypt's courts. This same productive cooperation is also evident in the strong relations that the FBI and DEA offices here at the Embassy have with their Egyptian counterparts.

Detainees

12. (C) Only three Egyptian detainees remain at GTMO. Currently pending is the return to Egypt of GTMO detainee Alaa Muhammed Saleem, who has been determined "no longer an enemy combatant." Saleem's defense counsel is challenging his detention in federal court, and we are eager to return him to Egypt before the USG faces an adverse judgment. We have previously received written assurances from the GOE that Saleem would be treated humanely upon his return to Egypt. Washington has now instructed the Embassy to seek working-level written assurances that Saleem will not be detained or prosecuted upon his return, a higher standard than we have applied before. To date, counterparts at the Ministry of Justice, the police, and intelligence service tell us that Saleem faces no charges, but they are not willing to commit this to paper.

13. (C) Earlier this year, we worked closely with Washington agencies and the GOE to obtain written assurances pledging humane treatment for Sameh Khouzam, a fugitive Egyptian murder suspect, whose deportation from the U.S. is still

pending. After considerable effort, we gained written assurances of humane treatment but the USG has been silent for 3 months.

¶4. (C) Egyptian officials bridle over these requests for written assurances. An explanation from you to the Egyptians about why we need these assurances and the role they play in our own legal system would be helpful for future requests. That explanation, along with a pledge from you that we have accepted the GOE's assurances in the Khouzam case, may persuade your counterparts to authorize the additional written assurances we are seeking in the Saleem case.

¶5. (C) We do not have a modern extradition treaty with Egypt. The treaty still in force dates back to 1873, when Egypt was still under Ottoman rule. The GOE occasionally expresses a vague interest in negotiating a modern treaty with the U.S. We have told Egypt that the starting point for such talks would be Egyptian acceptance of the principle of extraditing its nationals, which the GOE maintains is forbidden by its constitution.

Child Abduction

¶6. (C) Egypt has one of the largest abduction caseloads in the world, with about twenty active cases. It would be most effective if you would focus your discussions on that of Sarah El Gohary, our oldest case and highest priority. Sarah is an 11-year-old American child who was abducted from her mother in Hawaii in 1997 and brought to Egypt by her father. Although the mother gained custody of the child through the Egyptian courts in early 2005, Egyptian authorities refused to enter the court order and the case returned to the judicial system. At the most recent hearing on June 21, the case was postponed for the fifth time. We recommend that you request the Minister of Justice and Public Prosecutor move up the next hearing date, currently set for September, and discourage future delays. With the Minister of Interior, you could press for more energetic efforts to locate the child. Security officials claim they are unable to locate her or her father; the Embassy has not seen the girl since 2003.

Police Training

¶7. (C) We enjoy a productive training and assistance relationship with Egypt's armed forces and also with its intelligence service. Our training with Egyptian police is currently modest and ad hoc in comparison. We plan gradually to step up a training relationship aimed ultimately at institutional reform. Police better trained and equipped should be less likely to resort to torture to obtain confessions, and training in modern crowd control techniques could help avoid tragedies like the December 2005 incident in which 29 Sudanese asylum seekers squatting in a Cairo park were killed during a police operation to relocate them. Interior Minister Adly has accepted our urging that he set up an office of public communications, a step we see as vital to transforming how the police see their own role in serving the public.

¶8. (C) We have not presented a formal proposal to the Egyptian Ministry of Interior, but you could turn the soil by urging future cooperation with Minister Adly.

Al Manar

¶9. (C) We have been trying for over 18 months to persuade the GOE to drop Al Manar, the television station of Lebanese Hezbollah, from NileSat, a satellite consortium in which the GOE is the majority shareholder. Al Manar specializes in noxious anti-U.S. and anti-Israel propaganda and much of its programming incites terrorism. While senior GOE officials

claim to share our revulsion with Al Manar's content, they maintain they have no legal grounds to remove the station from NileSat. However, a legal expert formerly with the Ministry of Justice insists that the Egyptian penal code's prohibition of incitement to terror, and the Arab League's anti-terror convention, which Egypt ratified earlier this year, could provide the legal basis to ban Al Manar. It would be helpful if you raised this issue with your interlocutors and pressed them to take advantage of every possible legal avenue to pull the plug on Al Manar.

Rule of Law Now a Front Burner Issue

¶10. (C) The GOE has developed a new judiciary law, which has been sent to parliament. The government's draft contains several steps forward, such as establishing an autonomous budget for judiciary operations and formally separating the public prosecution service from the authority of the Minister of Justice. The Judges Club, the professional association of the judiciary, complains it has not been consulted and has some legitimate grievances -- all part of a healthy political debate.

The Egyptian Judiciary and Democracy

¶11. (C) Egypt's 2005 parliamentary polls were marred by serious irregularities. Egypt's judges are responsible for monitoring elections, and some judges clearly were complicit in these irregularities. The controversy dragged into 2006, when several judges who blew the whistle on election violations were referred for disciplinary action - ostensibly for defaming fellow judges.

Legal Reforms and the State of Emergency

¶12. (C) We would like to see political reform in Egypt move faster. Insiders from the ruling National Democratic Party tell us that the Egyptian leadership is putting together a package of up to 20 constitutional amendments, to be introduced in the new parliamentary session in November.

¶13. (C) One reform we strongly encourage is replacing the state of emergency, in force since 1981, with an anti-terrorism law that adequately protects civil liberties. The GOE is looking at the Patriot Act as a possible model and has at least two separate committees developing a bill it hopes will be ready for parliament by mid-2007. Your Egyptian hosts will be interested in your views on America's experience with the Patriot Act as they work to draft their own modern anti-terror law.

The Minister of Justice and the Public Prosecutor

¶14. (C) Minister of Justice Mahmoud Aboul Leil is your senior counterpart and host. A former governor, he is viewed warily in his own ministry because of his lack of strong judicial credentials. He is widely rumored to be in trouble over his handling of the conflict with the Judges Club, and some believe his days as Minister are numbered.

¶15. (C) The Ministry of Justice has been our partner in a major USAID technical assistance project to automate Egypt's commercial courts - increasing courts' abilities to manage caseloads and countering corruption by increasing the transparency of the adjudication process. After the success of the first phase of the project, which automated two pilot commercial courts, the model is now being replicated to automate every commercial court in Egypt.

¶16. (C) You will also meet Maher Abdel Wahed, who is also a functional counterpart as chief prosecutor. Maher is

pragmatic and friendly to the United States. He has cooperated enthusiastically in a series of U.S. technical assistance programs that have strengthened Egyptian prosecutors' capacity and skills. USAID recently launched a major project with the Ministry of Justice and the Public Prosecutor that will develop an alternative dispute resolution system, introduce plea bargaining, and establish a public defender system.

The Minister of Interior

¶17. (C) Interior Minister Habib El-Adly supervises the country's primary internal security organ, the State Security Investigative Service (SSIS), as well as the Anti-Narcotics General Authority (ANGA)- a DEA analogue. Adly is a member of the GOE's old guard, and takes a tough line against the Muslim Brotherhood and secular regime opponents alike. Adly has confounded critics predicting his imminent removal after his (mis)management of a series of terror attacks in Sinai. The Ministry of Interior insists that it has destroyed the "Group for Unification and Holy War" ("Tawheed wal Jihad") which was responsible for the attacks, and is now pursuing isolated remnants of the group hiding in the Sinai desert.

¶18. (C) Cairo's FBI office enjoys a productive relationship with counterparts at SSIS, as does DEA with ANGA. The FBI sends SSIS officers each year for training at the FBI academy at Quantico, building Egyptian law enforcement capabilities while strengthening our institutional ties. The State Department's Anti-Terrorism Assistance Program is also engaging with SSIS counter terrorist unit. We would like to strengthen cooperation by moving forward with an FBI initiative to upgrade Egypt's biometric data collection and management. Our preliminary work with the GOE on this effort is encouraging, but your expression of support for the initiative would be very helpful.

High Level Engagement is Key

¶19. (C) Mr. Attorney General, yours is the latest of a series of high level visits that we believe is critical to demonstrating to the Egyptians the value we place in our relationship. Following Vice President Cheney in January, Secretary Rice and FBI Director Moeller in February, and a

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delegation led by Special Coordinator for Counterterrorism Amb. Hank Crumpton also in February, your visit will underscore the particular importance we place on our cooperation on rule of law, law enforcement, and security issues. We look forward to your arrival.
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